



National College for
Teaching & Leadership

Mr Jeremy Morgan: Professional conduct panel outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

May 2016

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher: Mr Jeremy Morgan

Teacher ref number: 7154645

Teacher date of birth: 29 June 1953

NCTL case reference: 13244

Date of determination: 6 May 2016

Former employer: St John's RC Primary School, Rochdale

A. Introduction

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened on 5 and 6 May 2016 at the Ramada Hotel, The Butts, Coventry CV1 3GG to consider the case of Mr Jeremy Morgan.

The panel members were Ms Marion May (teacher panellist – in the chair), Dr Robert Cawley (teacher panellist) and Mr John Matharu (lay panellist).

The legal adviser to the panel was Miss Eszter Horvath-Papp of Eversheds LLP.

The presenting officer for the National College was Ms Louisa Atkin of Browne Jacobson solicitors.

Mr Morgan was present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 12 October 2015.

It was alleged that Mr Morgan was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

Whilst employed as Headteacher of St John's RC Primary School, Rochdale, during the 2013/14 academic year he:

1. Failed to comply with his responsibilities as set out in the 2014 edition of the Test Administrators Guide in respect of the Key Stage 2 national curriculum assessments, in that he;
 - a. Failed to ensure that children's completed test scripts were not left with an individual at any point before they were packaged and sealed ready for dispatch and marking;
 - b. Failed to ensure that children's answers in their completed test scripts were not reviewed and/or amended after the tests;
2. Acted dishonestly, in that he deliberately made changes to the completed test scripts of one or more of the children in Year 6 after they had completed the tests, knowing or believing that such changes may affect the mark they would be awarded.

Mr Morgan admitted allegations 1.a and 1.b, but requested the panel to take account of the wider circumstances in relation to allegation 2. The panel therefore proceeded to consider this case on the basis that it was a contested case.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

In advance of the hearing, the panel received a bundle of documents which included:

Section 1: Chronology, Anonymised Pupil List and List of Key People, with page numbers from 2 to 6

Section 2: Notice of Proceedings and response, with page numbers from 8 to 16

Section 3: National College for Teaching and Leadership Witness Statements, with page numbers from 18 to 24

Section 4: National College for Teaching & Leadership Documents, with page numbers from 26 to 226

Section 5: Teacher Documents, with page numbers from 228 to 245

In addition, the panel added to the bundle a copy of Mr Morgan's additional statement, as pages 246 to 247, and a copy of a letter from his doctor's surgery as page 248, which had been made available to the panel prior to the beginning of the hearing, and the addition of which the presenting officer did not object.

The panel members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

The panel heard oral evidence from:

- Witness A, deputy headteacher at the school,
- Witness B, teacher at the school,
- Witness C, headteacher at the school.

These witnesses gave evidence on behalf of the NCTL.

Mr Morgan gave evidence on his own behalf and did not call any other witnesses.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case before it and has reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Morgan has been a teacher since 1974. He was headteacher of St John's RC Primary School since 2001. During the week of 12 May 2014, as headteacher, he was responsible for the administration of the National Key Stage 2 assessments at the school. In the summer of 2014, the Standards & Testing Agency (the "STA") raised concerns about the administration of the assessments and carried out an investigation. The STA concluded that some of the children's test scripts had been tampered with, and therefore annulled all of the children's test results for their Reading, GPS and Maths tests. Mr Morgan planned to, and did, retire at the end of the academic year 2013/14.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against Mr Morgan proven, for these reasons:

1. Failed to comply with his responsibilities as set out in the 2014 edition of the Test Administrators Guide in respect of the Key Stage 2 national curriculum assessments, in that he;

1.a. Failed to ensure that children's completed test scripts were not left with an individual at any point before they were packaged and sealed ready for dispatch and marking;

The panel notes that section 2.1 of the 2014 Key Stage 2 Test Administrators' Guidance requires that headteachers must ensure that: "Children's completed test scripts are collected and collated by more than one person. Test scripts should not be left with an individual at any point before they are packaged and sealed ready for dispatch for marking." (p.31 of the bundle)

In addition, the guidance suggests that: "Headteachers should also consider inviting a governor or another trusted member of the school community who is not otherwise involved in administering the tests to observe." (p.31)

The panel notes that after the children's test scripts had been collected by various members of staff, they were given to Mr Morgan to put into alphabetical order, package and seal ready for dispatch. During this time, Mr Morgan was alone with the papers. Although Mr Morgan has told the panel that he had read the guidance, he did not realise that this was not permitted. The panel nevertheless considers that the requirements were clear, and Mr Morgan ought to have been aware of these and complied accordingly.

The panel is satisfied that there is sufficient evidence to support Mr Morgan's admission that he failed to comply with his responsibilities as set out in the 2014 edition of the Test Administrators Guide, namely that he failed to ensure that children's completed test scripts were not left with an individual at any point before they were packaged and sealed ready for dispatch and marking, and therefore finds this allegation proven.

1.b. Failed to ensure that children's answers in their completed test scripts were not reviewed and/or amended after the tests;

The panel notes that section 2.1 of the 2014 Key Stage 2 Test Administrators' Guidance requires that headteachers must ensure that:

- "Children's answers in their completed test scripts are not reviewed after the tests.

- Children’s answers are their own and that they are not amended after the tests.” (p.31)

On 22 September 2014, the Standards & Testing Agency (STA) confirmed that it would annul the test results for all children on their Reading, GPS and Maths tests, on the basis that it had concerns over the security of the completed scripts, and there was evidence that their answers had been changed outside of the test conditions (p.86). The panel notes that in the Maths paper 2 alone, the STA identified that out of a cohort of 28, more than 70% of the children’s scripts had at least one alteration to the answers, with 32% having at least three questions altered (p.91)

Mr Morgan has accepted that he was alone with the completed test scripts, and indeed left them unattended and unsecured whilst he attended to other matters elsewhere in the school. He also recalled changing the answers on Maths paper 2 scripts. The STA in their investigation found that scripts for other tests in that week had also been amended, and Mr Morgan accepted that despite his lack of recollection, he must have altered these as well.

The panel is satisfied that it was Mr Morgan’s responsibility to ensure that the test scripts were not amended after completion of the tests, and that he failed to do so.

The panel is satisfied that there is sufficient evidence to support Mr Morgan’s admission, and therefore finds this allegation proven.

2. Acted dishonestly, in that he deliberately made changes to the completed test scripts of one or more of the children in Year 6 after they had completed the tests, knowing or believing that such changes may affect the mark they would be awarded.

The panel notes that Mr Morgan has consistently denied this allegation until a few days before the hearing. Mr Morgan now accepts that he deliberately made changes to some of the completed test scripts, and that he knew that such changes may affect the marks that they would be awarded.

The panel has carefully considered whether this conduct was dishonest, through applying the two stage test set out in the case of *R v Ghosh*. The panel is of the view, that Mr Morgan’s conduct was dishonest on an objective basis, given that tampering with National Formal Assessment scripts is clearly designed to affect the true results achieved by the particular child.

In terms of the subjective assessment of dishonesty, i.e. whether Mr Morgan himself knew or ought to have known that his actions were dishonest, the panel notes his evidence that he “must have acted on impulse by making some frenzied changes to answers on pupil papers”, and that “it was not premeditated and... I was horrified when I looked at what I had done but then I could not go back. I feel that it happened as my sub conscious last-ditch attempt to protect the school from a poor inspection result” (p.247).

In addition, Mr Morgan has told the panel that he only had very limited recollections of amending the Maths paper 2, and he could not explain why he did it. He has said that he was under immense stress at the time, due to managing various personnel issues and feeling unsupported by his senior leadership team. He has also said that he has been in denial about his actions since then, hence his continued denial until very recently.

However, the panel does not find Mr Morgan's explanation credible. In the panel's view, it would have taken some time for Mr Morgan to go through the papers, check children's answers and make the significant number of amendments that he did. His actions were not committed in a moment of "sheer madness", but would have taken some time, and occurred over several days during that week of 12 to 15 May 2014. He would have had to give his actions some thought, and the panel does not believe that he could have amended the papers on an impulsive or frenzied basis as he claimed.

The panel has also found it unconvincing that it was purely coincidental that his lack of memory related exclusively to the amendment of the scripts, whilst he had not reported encountering such problems at any other previous times when he was suffering from stress and depression. Mr Morgan was able to recall clearly other events that took place during the SATs week, including the personnel issue on the day of the Maths paper 2. Further, the panel is not convinced that Mr Morgan, a very experienced headteacher of 18 years' standing, would have been unable to deal with the stresses of SATs week, personnel issues and an imminent Ofsted inspection. The panel would therefore have not expected Mr Morgan to act in the apparently illogical way he did in amending the scripts of a strong cohort of children, who he believed were destined to achieve good results.

In the panel's view, it is more likely that he had an underlying motivation to improve the children's scores. The panel considers that Mr Morgan did know what he was doing and that his actions were deliberate and dishonest.

The panel is satisfied that this allegation is proven.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found all of the allegations to have been proven, the panel has gone on to consider whether they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers (which the panel refers to as "the Advice").

The panel is satisfied that Mr Morgan's conduct in tampering with Key Stage 2 test scripts involved breaches of the Teachers' Standards, including the requirements that:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour...

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel notes Mr Morgan's evidence that his actions were entirely out of character for him and that he was deeply sorry for his actions. He accepted that this year group had all worked hard and were on track to achieve good results, and his actions had a severely detrimental impact on children, parents, staff and the reputation of the school.

However, the panel is satisfied that Mr Morgan's conduct fell significantly short of the standards expected of the profession. In particular, the panel is of the view that maintaining the integrity of the National Examinations Framework goes to the heart of the teaching profession. By interfering with the scripts, Mr Morgan's actions have undermined trust in the whole assessment process. His actions have resulted in the annulment of that cohort's Key Stage 2 results, which is having an impact on their progression through secondary education, as reported by the current headteacher Witness C in his evidence before the panel. In the panel's view, such behaviour clearly falls significantly short of the standards expected of the profession.

The panel has also considered whether Mr Morgan's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. In the panel's view, Mr Morgan's conduct exhibits behaviours associated with serious dishonesty. In such cases, the Advice indicates that a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel can see no reason to depart from this guidance in this case.

Accordingly, the panel is satisfied that Mr Morgan is guilty of unacceptable professional conduct.

Turning to the question of whether Mr Morgan's conduct also amounts to conduct that may bring the profession into disrepute, the panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The panel considers that pupils, parents and members of the community would regard the integrity of the examinations system as of key importance, and their view of and trust in the profession would be significantly diminished in light of such deliberate interference by a highly experienced headteacher.

The panel therefore finds that Mr Morgan's actions also constitute conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would recommend the imposition of a prohibition order to the Secretary of State.

The panel has considered whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. The panel is mindful that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and has found a number of them to be relevant in this case, namely:

- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct

In the panel's view, Mr Morgan's conduct in dishonestly tampering with National Key Stage 2 assessment scripts, which resulted in a whole cohort of 28 children's results being annulled, is a very serious matter. In the panel's experience, it is highly unusual for the STA to annul all of the assessments for one school, and this underlines the severity of the impact of Mr Morgan's actions. The children had worked hard and were apparently a strong cohort, so Mr Morgan's actions unnecessarily harmed their future prospects.

The panel considers that public confidence in the profession could be seriously weakened if such conduct were not treated with the utmost seriousness when regulating the conduct of the profession. This is particularly serious given Mr Morgan's role as an experienced headteacher, in a position as a role model for his pupils as well as his staff. In addition, the panel considers that there is a strong public interest consideration in declaring proper standards of conduct in the profession, as the conduct found against Mr Morgan is outside that which could reasonably be tolerated. In the panel's view, maintaining the integrity of the National examinations system is at the core of what teachers do, and Mr Morgan's actions have seriously undermined the public's trust in the profession.

Notwithstanding the clear public interest considerations that are present, the panel has considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Morgan himself.

In carrying out this balancing exercise, the panel has considered the public interest considerations both in favour of and against prohibition, as well as the interests of Mr Morgan. The panel has taken further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that the panel considers relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils...
- abuse of position or trust ... and
- dishonesty, especially where there have been serious consequences, and/or it has been repeated and/or covered up.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel has gone on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. In particular, the panel notes that Mr Morgan has dedicated his entire career to the teaching profession and by all accounts has a previously good record. His actions were just one incident over a career of 40 years, and the panel accepts that the SATs week in 2014 was a particularly stressful time for him.

However, the panel is of the view that the public interest considerations outweigh the interests of Mr Morgan himself. The integrity of the National assessment system, and the trust which pupils, parents and the wider community place in it, is of fundamental importance to the profession and, in the panel's view, outweighs Mr Morgan's interests. The panel is of the view that prohibition is both proportionate and appropriate, and sees no reason to depart from the guidance set out in the Advice.

Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel has gone on to consider whether or not it would be appropriate for it to recommend that a review period of the order should be considered. The panel is mindful that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours is serious dishonesty, which the panel has found proven in Mr Morgan's case.

However, the panel considers it appropriate to deviate from the guidance in this case. Mr Morgan has shown regret and remorse for the impact of his actions. He accepted responsibility for the annulment of the results very early on, and would have offered to resign, had he not already been retiring. Although he has only recently accepted that he did tamper with the completed scripts, he has clearly begun the process of self-reflection and understanding of his actions. The panel also notes the supportive character evidence, particularly the emotional support and commitment demonstrated by his wife.

The panel is mindful that prohibition order is not intended to be punitive and considers that Mr Morgan should be given the opportunity to re-enter the profession in the future should he wish to do so. Nevertheless, the panel is concerned that Mr Morgan's actions were very serious, and he has not yet fully acknowledged the extent of and reasons for his actions, or the wider impact on staff and the school. The panel is of the view that he would need time to rebuild the trust of his former colleagues and the wider community. The panel also notes that the pupils directly affected by his actions are still in the education system and would complete their secondary education in the next 5 years.

In the circumstances, the panel considers that it would be appropriate and proportionate for the prohibition order to be recommended with provisions for a review period of 5 years.

Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the findings and recommendations of the panel in this case. The panel has found all the allegations proven and judge that the facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Mr Morgan has been a teacher since 1974, and a head teacher since 2001. I agree with the panel that Mr Morgan's conduct in dishonestly tampering with National Key Stage 2 assessment scripts, which resulted in a whole cohort of 28 children's results being annulled, is a very serious matter.

I agree with the panel that public confidence in the profession could be seriously weakened if such conduct were not treated with the utmost seriousness when regulating the conduct of the profession. This is particularly serious given Mr Morgan's role as an experienced head teacher, in a position as a role model for his pupils as well as his staff. I agree with the panel that there is a strong public interest consideration in this case. Maintaining the integrity of the National examinations system is at the core of what teachers do, and Mr Morgan's acts have seriously undermined the public's trust in the profession.

I have considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Morgan. The panel is of the view that the public interest considerations outweigh the interests of Mr Morgan himself. I agree with that view. The integrity of the National assessment system, and the trust which pupils, parents and the wider community place in it is of fundamental importance to the profession, outweigh Mr Morgan's interests

For the reasons set out, I support the view of the panel that this case is serious enough to warrant a prohibition order. I have taken into account the guidance published by the

Secretary of State in reaching that decision. I agree with the panel's view that prohibition is both proportionate and appropriate.

I have also considered the matter of a review period with great care. The panel found serious dishonesty proven in Mr Morgan's case, and the Advice mitigates against a review period being recommended where these behaviours are found proven. I agree with the panel's considerations that it is appropriate to deviate from the guidance in this case.

Mr Morgan has shown regret and remorse for the impact of his actions. Mr Morgan accepted responsibility for the annulment of the results early on, and has begun the process of self-reflection and understanding his actions. The panel is concerned that Mr Morgan's actions were very serious, and that he would need time to rebuild the trust of his former colleagues and the wider community. I note the panel's consideration that the pupils directly affected by his actions are still in the education system, and would complete their secondary education in the next 5 years.

For the reasons set out above, I agree with the panel's recommendations that a 5 year review period is appropriate.

This means that Mr Jeremy Morgan is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 16 May 2021, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Jeremy Morgan remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Jeremy Morgan has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'J. Millions', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 9 May 2016

This decision is taken by the decision maker named above on behalf of the Secretary of State.